

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

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SARAH A. McPHERSON,	)	
Plaintiff,	)	
	)	
VS.	)	No. 14-1156-JDT-egb
	)	
JOHN REMON WENZEL, ET AL.,	)	
Defendants.	)	

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SARAH ANN McPHERSON,	)	
Plaintiff,	)	
	)	
VS.	)	No. 14-1200-JDT-egb
	)	
HEATHER BUPP, ET AL.,	)	
Defendants.	)	

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SARAH ANN McPHERSON,	)	
Plaintiff,	)	
	)	
VS.	)	No. 14-1262-JDT-egb
	)	
LESTER L. HEWITT, ET AL.,	)	
Defendants.	)	

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SARAH ANN McPHERSON,	)	
Plaintiff,	)	
	)	
VS.	)	No. 14-1338-JDT-egb
	)	
JOHN H. DOLL, ET AL.,	)	
Defendants.	)	

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ORDER DENYING PLAINTIFF’S OBJECTIONS,  
ADOPTING REPORT AND RECOMMENDATION,  
DISMISSING CASES AND IMPOSING MONETARY SANCTIONS

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The *pro se* Plaintiff, Sarah Ann McPherson, a resident of Decaturville, Tennessee, filed the four above-styled civil complaints and paid the filing fee in each case. Several of the Defendants have filed motions to dismiss, but others have not been served with process. Plaintiff responded to the Defendants’ motions to dismiss with various documents, including motions to “continue” in which she asks the Court to allow her to continue with her cases. On March 12, 2015, U.S. Magistrate Judge Edward G. Bryant issued a Report and Recommendation (“R&R”) in which he recommended granting the Defendants’ motions to dismiss, dismissing all four cases in their entirety pursuant to the restrictions on Plaintiff’s filing privileges imposed in previous cases, and imposing on Plaintiff an appropriate monetary sanction. Plaintiff has filed timely objections to the R&R.

As the Magistrate Judge stated, in a prior case filed by Plaintiff, U.S. District Judge J. Daniel Breen imposed restrictions on Plaintiff’s filing privileges after finding that she had abused the judicial system by filing repetitive, meritless lawsuits concerning the same subject matter and against many of the same parties. Judge Breen stated:

[T]his is the fourth action Plaintiff has brought in federal court concerning her various patent applications in the mid-1990’s [sic] and the allegedly unsatisfactory assistance rendered by her numerous attorneys. In each case, she has paid the civil filing fee. . . . Her persistence in filing, and repeatedly amending, numerous, similar lawsuits demonstrates a marked propensity to abuse the judicial system in an attempt to harass the Defendants and the Court. . . .

. . . .

Therefore, the Court ORDERS that Plaintiff shall not file any other case in any federal court in which she seeks to assert a claim concerning the patents at issue in case numbers 09-1130, 09-1164, 09-1191, or [09-1214], or concerning the legal

services provided by any named defendant in this case or by attorneys Lester L. Hewitt, Paul E. Krieger, Charles C. Garvey, or John R. Wenzel, concerning those patents. The Clerk is directed not to open any new case concerning these matters. Any documents submitted by Plaintiff to open a new case in violation of this order shall be returned to her without filing.

Should McPherson violate this order, the Court will impose further sanctions against her, including a monetary fine. . . .

*McPherson v. Litman, et al.*, No. 09-1214-JDB-egb, slip op. at 11-12 (W.D. Tenn. Nov. 30, 2009) (Order of Dismissal, ECF No. 4). The restrictions on Plaintiff's filing privileges were reaffirmed by the undersigned Judge in *McPherson v. Doll, et al.*, No. 09-1191-JDT-egb, slip op. at 5-6 (W.D. Tenn. Apr. 2, 2010) (Order of Dismissal, ECF No. 8.) In that case, the Court further cautioned Plaintiff that "merely changing the names of the parties sued while reasserting the same claims will subject her to additional monetary sanctions." (*Id.* at 6.)

The Court agrees with Magistrate Judge Bryant's conclusion that the cases currently pending violate the prior filing restrictions. These cases concern the same patents, and some of the same attorneys, as Plaintiff's earlier cases. Plaintiff's objections to the Magistrate Judge's R&R are, to a large extent, incomprehensible and fail to show that the cases are not barred by the restrictions previously imposed. Therefore, the Court ADOPTS the R&R. Defendants' motions to dismiss are GRANTED and case numbers 14-1156, 14-1200, 14-1262, and 14-1338 are DISMISSED in their entirety.

The restrictions on Plaintiff's filing privileges set forth in case number 09-1214 are REAFFIRMED. If Plaintiff submits any new complaint to the Clerk for filing, the Clerk shall file the complaint but shall immediately submit it, along with any supporting documents, to the assigned Magistrate Judge for review to determine whether it violates the filing restrictions. If the Magistrate Judge concludes the complaint violates the filing restrictions, a recommendation for the case to be

summarily dismissed should be promptly entered without waiting for process to be served, notwithstanding the provisions of Local Rule 4.1(b)(1).

The Court further agrees with Magistrate Judge Bryant that a monetary fine is necessary in order to discourage Plaintiff from further abusing the judicial system with frivolous and repetitive complaints. Therefore, it is ORDERED that Plaintiff shall pay to the Court, within thirty (30) days after the date of this order, a fine in each of the four cases in the amount of \$375.00, for a total fine of \$1,500.00.

The Clerk is directed to prepare judgments in these cases.

IT IS SO ORDERED.

s/ **James D. Todd**  
JAMES D. TODD  
UNITED STATES DISTRICT JUDGE